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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,884	06/27/2005	Shuichi Fukutani	OGW-0370	1745
24978	7590	01/08/2009		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606				
EXAMINER				
JOHNSTONE, ADRIENNE C				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
01/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/540,884

**Applicant(s)**

FUKUTANI ET AL.

**Examiner**

Adrienne C. Johnstone

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-5 and 10-15 is/are pending in the application.  
4a) Of the above claim(s) 10-13 and 15 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 3-5, and 14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 24, 2008 has been entered.

### ***Election/Restrictions***

2. Claims 10-13 and 15 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 9, 2008.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 3, 5, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application 63-116904 A.

See abstract and Figure 1: the figure clearly depicts flat superposed coils of reinforcement material 1 that are circular except for a flattened bottom portion extending into the next coil (flattened curvature by definition is smaller than the curvature of the loop portions). Note that the flattened bottom portion of the Figure 1 coils appear to be no different than that of Figures 1a and 2a on which is based applicants' support for the added limitation "the circular loop portions terminating without making a complete circle". As to claim 3, Figure 1 depicts 3 wraps of other loop

portions superposed on an arbitrary loop portion. As to claim 14, Figure 1 clearly depicts the reformed portion length P within the broadly claimed range of 0.05 to 0.5 times the loop width.

5. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (1,897,411).

See Figures 3 and 4 and p.2 lines 16-21 and 98-105; loops may be semi-circular, resulting in circular loop portions separated by straight portions, and substantially flat curvature by definition is smaller than the curvature of the loop portions; this reference is applied to illustrate that the phrase “for rubber” in the instant claims is merely intended use. As to claim 3, the drawings clearly depict the number of wraps of other loop portions superposed on an arbitrary loop portion within the broadly claimed range of 1-15.

Contrary to applicants’ arguments, the coil configuration is not limited to triangular but includes semi-circular as noted above.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 63-116904 A in view of Sidles et al. (3,455,100).

See paragraph 4 above: Sidles et al. teach to allow for expansion of tire reinforcement during the tire manufacturing process by providing the reinforcement with a low stress-elongation of 5-150% and preferably 30-80% with the exemplary low stress value of about 2 lbf (10N) (col. 1 line 23 - col. 5 line 69 and Table); it would have been obvious to one of ordinary skill in the art to provide the above tire reinforcement material with the low stress elongation taught by Sidles et al. in order to allow for expansion of the reinforcement during the tire manufacturing process.

Contrary to applicants' arguments, the low stress elongation is the same as the modulus transition point, which in the example is at about 2 lbf (10N).

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3-5, and 14 have been considered but are either addressed above or moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Porteous (1,263,700) anticipates or renders obvious at least claims 1 and 5 but is considered to be no more pertinent to the instant claims than the prior art already applied by the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 1:00PM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1791

Adrienne Johnstone

/Adrienne C. Johnstone/

January 5, 2009